

REMARKS

Claims 1-5 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Although applicants believe that the rejection under 35 U.S.C. § 112 is unwarranted, claim 1 has been amended and is believed to overcome the 35 U.S.C. § 112 rejection.

Claims 1, 2, 4 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Chapman (6,131,833). Inasmuch as claim 3 was not rejected under 35 U.S.C. § 102(b) and inasmuch as the rejection of claim 3 under 35 U.S.C. § 112, second paragraph, has been overcome, it is believed that claim 3 is in condition for allowance.

In the Examiner's rejection of claims 1, 2, 4 and 5 under 35 U.S.C. § 102(b) as being anticipated by Chapman (6,131,833), the Examiner stated that Chapman discloses a self-propelled irrigation system including a pipeline 14 supported upon a plurality of spaced-apart drive units 22. The Examiner stated that the drive units 22 include a generally transversely extending base beam 24 and that Chapman further discloses first and second in-line drive assemblies including: an elongated support member 60; a first driven wheel 48; a second driven wheel 48.

It is obvious that the Examiner does not completely understand applicants' invention because claims 1, 2, 4 and 5 are clearly not anticipated by Chapman '833 under 35 U.S.C. § 102(b).

1 Claim 1 specifically describes that the self-propelled irrigation system includes
an elongated pipeline supported upon a drive unit with the drive unit including a
generally transversely extending base beam having first and second ends. If the
member 24 of Chapman '833 is regarded as a generally transversely extending base
5 beam having first and second ends, Chapman does disclose that particular structure.

Claim 1 further describes a first in-line drive assembly pivotally connected to the
base beam adjacent the first end thereof and a second in-line drive assembly pivotally
connected to the base beam adjacent the second end thereof. Chapman '833 does
not disclose first and second in-line drive assemblies pivotally connected to the
10 opposite ends of the base beam, since Chapman '833 only discloses a drive assembly
at one end of the member 24.

Further, claim 1 specifically describes that each of the first and second in-line
drive assemblies includes an elongated support member, having first and second
15 ends, pivotally connected, about a generally horizontal axis which is generally
transverse to the longitudinal axis of the base beam, to the base beam adjacent the
associated end thereof. Claim 1 further describes that a first driven wheel is rotatably
mounted on the first elongated support adjacent the first end thereof and that a second
20 driven wheel is rotatably mounted on the first elongated support member adjacent the
second end thereof.

Although Chapman '833 may be construed as having a base beam 24, the
opposite ends of the base beam of Chapman do not have first and second in-line drive
assemblies pivotally connected to the opposite ends of the base beam. Further,
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1 Chapman '833 does not disclose or even remotely suggest that a pair of first and
second in-line drive assemblies could be mounted on the base beam with each of the
in-line drive assemblies including an elongated support member, as set forth in claim
1, with first and second driven wheels rotatably mounted on the support member
5 adjacent the first and second ends thereof. In the Chapman '833 structure, the track is
driven from a single motor located at one end of the track assembly. In the instant
invention, first and second elongated support members are pivotally connected, about
a horizontal axis, to the opposite ends of the base beam with each end of the support
10 member having a pair of wheels mounted thereon, as best seen in Fig. 4. There is
absolutely no way that the Chapman '833 patent could be construed as anticipating
claim 1 of the instant application.

15 Inasmuch as claim 1, as amended, is not anticipated by Chapman '833 under
35 U.S.C. § 102(b), it is also believed that dependent claims 2, 3, 4 and 5 are likewise
not anticipated. Accordingly, the Examiner's rejection of claims 1-5 should be
withdrawn and the claims should be allowed.

20 No fees or extensions of time are believed to be due in connection with this
Amendment; however, please consider this a request for any extension inadvertently
omitted and charge any additional fees to Deposit Account No. 502093.



Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that the original of this AMENDMENT AFTER FINAL REJECTION for DALE A. CHRISTENSEN, ET AL., Serial No. 10/786,664, was mailed by first class mail, postage prepaid, to Mail Stop AF, Commissioner for Patents, Alexandria, VA 22313, on this 2nd day of May, 2005.

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